

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF MO-TEL CELLULAR, INC., A)	
GEORGIA CORPORATION D/B/A CELLULAR)	
ONE WESTERN KENTUCKY CELLULAR)	
TELEPHONE COMPANY AND D/B/A WESTERN)	CASE NO. 93-200
KENTUCKY CELLULAR TELEPHONE COMPANY)	
FOR CONFIDENTIAL TREATMENT OF ITS)	
1992 ANNUAL REPORT)	

O R D E R

This matter arising upon petition of Mo-Tel Cellular, Inc. ("Mo-Tel Cellular") filed May 28, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain business and financial information contained in its 1992 Annual Report on the grounds that disclosure of the information is likely to cause Mo-Tel Cellular competitive injury, and it appearing to this Commission as follows:

Mo-Tel Cellular has petitioned the Commission for confidential protection of certain business and financial information contained in its 1992 Annual Report. Specifically, Mo-Tel Cellular seeks to protect the number of wholesale customers; the number of retail customers; the issuance of capital stock or dividends during the report year; and the financial information contained in its annual balance sheet, income statement, retained earnings statement, analysis of operating expenses, analysis of plant accounts, and long-term debt accounts. Mo-Tel Cellular maintains that this information if publicly disclosed would enable

its competitor to structure its rates and services to effectively exclude Mo-Tel Cellular from the market.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected is presented by Mo-Tel Cellular in summary form. As such, it does not contain sufficient detail to have significant competitive value. Therefore, no competitive injury has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

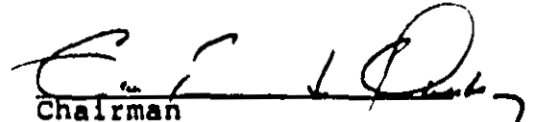
1. The petition for confidential protection of the business and financial information in Mo-Tel Cellular's 1992 Annual Report,

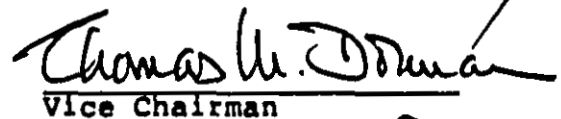
which Mo-Tel Cellular has petitioned be withheld from public disclosure, be and is hereby denied.

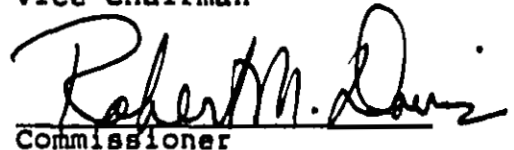
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 17th day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director